

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                ) No. 4:09-CR-12  
v.                             )  
                                )  
                                )  
JOE B. RUSSELL, JR.        )

**O R D E R**

Before the Court are a *pro se* motion of Defendant to obtain documents from his former counsel [Doc. 31] and a motion for the appointment of counsel on direct appeal [Doc. 33]. Defendant's former counsel has filed a response representing that all requested documents, unless prohibited by the BOP or not in existence, have been provided to Defendant [Doc. 32]. Because a notice of appeal has been filed, jurisdiction has been transferred to the Sixth Circuit Court of Appeals, which has now appointed attorney C. Eugene Shiles to represent Defendant in his appeal. Accordingly, Defendant's motions [Doc. 31 & 33] are **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

ENTER:

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE